

BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF)
ILLINOIS)
) DOCKET NO.
Petition for a Certificate of) 12-0598
Public Convenience and Necessity,)
pursuant to Section 8-406.1 of the)
Illinois Public Utilities Act, and)
an order pursuant to Section 8-503)
of the Public Utilities Act to)
construct, operate and maintain a)
new high voltage electric service)
line and related facilities in the)
Counties of Adams, Brown, Cass,)
Champaign, Christian, Clark,)
Coles, Edgar, Fulton, Macon,)
Montgomery, Morgan, Moultrie,)
Pike, Sangamon, Schuyler, Scott)
and Shelby, Illinois.)

Monday, December 3, 2012

Springfield, Illinois

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

JOHN ALBERS & STEPHEN YODER, ALJ

L.A. COURT REPORTERS, LLC, by
Laurel Patkes, Reporter
CSR #084-001340

1 APPEARANCES: (CONT'D.)

2 EDWARD FITZHENRY

1901 Chouteau Ave.

3 P.O. Box 66149, Mail Code 1310

St. Louis, Missouri 63166

4

(Appearing on behalf of
Petitioner.)

5

6 ALBERT STURTEVANT

WHITT STURTEVANT

7 180 N. LaSalle

Suite 2001

8 Chicago, Illinois 60601

9

(Appearing on behalf of
Petitioner.)

10

CHRISTOPHER BYRON

11 BRIAN KALB

411 St. Louis Street

12 Edwardsville, Illinois 62025

13

(Appearing on behalf of Adams
and Clark County landowners.)

14

EDWARD D. McNAMARA, JR.

15 931 S. Fourth Street

Springfield, Illinois 62703

16

(Appearing on behalf of
Colfax-Scott Land Preservation
Group.)

17

18

FORREST G. KEATON

19 RAMMELKAMP BRADNEY, P.C.

232 W. State St.

20 Jacksonville, Illinois 62651

21

(Appearing on behalf of Prairie
Power, Inc.)

22

1 APPEARANCES: (CONT'D.)

2 KYLE BARRY

McGUIRE WOODS, LLP

3 One North Old Capitol Plaza

Suite 410

4 Springfield, Illinois 62701

5 (Appearing on behalf of
FutureGen Industrial Alliance,
6 Inc.)

7 JOSEPH L. LAKSHMANAN

133 S. Fourth

8 Suite 306

Springfield, Illinois 62701

9

(Appearing on behalf of Dynegy
10 Midwest Generation, LLC via
teleconference.)

11

CHERYL DANCEY BALOUGH

12 BALOUGH LAW OFFICES, LLC

One North LaSalle

13 Suite 1910

Chicago, Illinois 60602

14

(Appearing on behalf of the City
15 of Champaign via
teleconference.)

16

CHRISTOPHER N. SKEY

17 CHRISTOPHER J. TOWNSEND

ADAM T. MARGOLIN

18 QUARLES & BRADY, LLC

300 North LaSalle Street

19 Suite 4000

Chicago, Illinois 60654

20

(Appearing on behalf of Nature
21 Conservancy via teleconference.)

22

1 APPEARANCES: (CONT'D.)

2 MATTHEW HARVEY
160 N. LaSalle Street
3 Suite C-800
Chicago, Illinois 60601

4
5 (Appearing on behalf of staff of
the Illinois Commerce Commission
via teleconference.)

6
OWEN MacBRIDE
7 SCHIFF HARDIN
233 S. Wacker Drive
8 Suite 6600
Chicago, Illinois 60606

9
10 (Appearing on behalf of Grain
Belt Express Clean Line, LLC via
teleconference.)

11
KIMBERLY W. BOJKO
12 CARPENTER, LIPPS & LELAND
280 Plaza
13 Suite 1300
280 North High Street
14 Columbus, Ohio 43215

15 (Appearing on behalf of Midwest
ISO via teleconference.)

16
ERIC ROBERTSON
17 LUEDERS, ROBERTSON & KONZEN
P.O. Box 735
18 1939 Delmar
Granite City, Illinois 62040

19
20 (Appearing on behalf of Moultrie
County property owners via
teleconference.)

21
22

1 APPEARANCES: (CONT'D.)

2 G. RONALD KESINGER

200 North West Street

3 Jacksonville, Illinois 62650

4 (Appearing on behalf of Mary
Splain via teleconference.)

5

SEAN BRADY

6 P.O. Box 4072

Wheaton, Illinois 60189

7

(Appearing on behalf of Wind on
8 the Wires via teleconference.)

9 DAVID STREICKER

161 North Clark Street

10 Suite 4200

Chicago, Illinois

11

(Appearing on behalf of N. Kohl
12 Grocer via teleconference.)

13 JOHNNY SNEDEKER

No address given

14

(Appearing on behalf of Clark
15 County Preservation Committee
via teleconference)

16

TED NIEMANN

17 P.O. Box 1069

Quincy, Illinois 62306

18

(Appearing as a landowner.)

19

20

21

22

1 APPEARANCES: (CONT'D.)

2 ED FLYNN

WINTERS, FEATHERSTUN, GAUMER, POSTLEWAIT, STOCKS,

3 FLYNN & HUBBARD

225 N. Water Street

4 Suite 200

Decatur, Illinois 62523

5

(Appearing on behalf of the
6 Village of Mount Zion via
teleconference.)

7

BRAD WILSON

8 GATES, WISE & SCHLOSSER, P.C.

1231 S. Eighth

9 Springfield, Illinois 62703

10 (Appearing on behalf of Morgan
and Sangamon County landowners
11 and tenant farmers via
teleconference.)

12

GREGORY & THERESA PEARCE

13 7564 Hemberger Road

Loami, Illinois

14

(Appearing pro se as landowners
15 in Sangamon County.)

16

ED GOWER

HINSHAW & CULBERTSON, LLP

17 400 South Ninth Street

Suite 200

18 Springfield, Illinois 62701

19 (Appearing on behalf of certain
Clark County landowners via
20 teleconference.)

21

22

1 APPEARANCES: (CONT'D.)
2 LUKE HAGEDORN
3 POLSINELLI SHUGHART
4 105 West Vandalia
5 Suite 400
6 Edwardsville, Illinois 62025
7 (Appearing on behalf of
8 Christian County property owners
9 via teleconference)
10 WILLIAM F. MORAN III
11 725 South Fourth Street
12 Springfield, Illinois 62703
13 (Appearing on behalf of Justin
14 Perry, George Orn, Clark County
15 property owners.)
16 TIM TIGHE
17 BOLEN, ROBINSON & ELLIS
18 202 South Franklin
19 Decatur, Illinois 62523
20 (Appearing on behalf of Macon
21 County landowners.)
22 BARB RAGHEB
23 2502 Jordan Drive
24 Champaign, Illinois 61822-6815
25 (Appearing on behalf of Ragheb
26 family farm, corporation farm, &
27 family.)
28 JERALD TARBLE
29 20 Lakeview Drive
30 Marshall, Illinois 62441
31 (Appearing on behalf of Van
32 Tarble & Sons, Tarble, Tarble &
33 Murphy, Tarble Land Trust,
34 Charleston Stone Company, and

1 APPEARANCES: (CONT'D.)

2 JOHN M. MYERS

RABIN, MYERS & HANKEN, P.C.

3 1300 S. Eighth Street

Springfield, Illinois 62703

4

(Appearing on behalf of Village
5 of Pawnee via teleconference.)

6 LANCE BLACK

Rural Route 3

7 Box 43

Rushville, Illinois

8

(Appearing pro se as landowner.)

9

LEONCORZINE

10 Assumption, Illinois

11 (Appearing pro se as landowner.)

12 PATRICK FEENEY

1474 East 1500 North Road

13 Monticello, Illinois

14 (Appearing pro se for himself
and his brother Mike Feeney via
15 teleconference.)

16 PAUL BERGSCHNEIDER

852 Franklin Alexander Road

17 Franklin, Illinois 62638

18 (Appearing pro se as landowner.)

19 WESLEY HOWARD

No address given

20

(Appearing pro se as landowner)

21

22

1 APPEARANCES: (CONT'D.)

2 TODD BURRUS

826 Arenzville Road

3 Arenzville, Illinois 62611

4 (Appearing pro se as landowner
on this date via teleconference
5 to be represented later by an
attorney.)

6

TOM BURRUS

7 826 Arenzville Road

Arenzville, Illinois 62611

8

(Appearing on behalf of MGB
9 Farms, LLC via teleconference.)

10 LYLE HARRISON

1007 Ashland Avenue

11 Evanston, Illinois 60202

12 (Appearing on behalf of Harrison
Farms in Piatt and Moultrie
13 Counties via teleconference.)

14 RICK COPELAND

12541 North County Road, 300 East

15 Mattoon, Illinois 61938

16 (Appearing pro se on behalf of
his family and neighbors.)

17

STEVEN SOHN

18 3323 North Fifth

Quincy, Illinois

19

(Appearing pro se as landowner
20 via teleconference.)

21

22

1 APPEARANCES: (CONT'D.)

2 DAYTON KEYES

996 150th Street

3 Elkhart, Illinois 62634

4 (Appearing pro se as a landowner
via teleconference.)

5

DARIN ROLAND

6 46445 Sweetbay Lane

Hannibal, Missouri 63401

7

(Appearing on behalf of Central
8 Stone Company via
teleconference.)

9

JOSH SMITH

10 4640 Timberview Drive

Auburn, Illinois 62615

11 (Appearing pro se as landowner
via teleconference.)

12

SHAN CLEVINGER

13 No address given

14 (Appearing on behalf of Niemann
Foods via teleconference.)

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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None.

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0598. This docket was initiated by Ameren Transmission Company of Illinois, ATXI as we will call them, who filed a petition seeking a certificate for public convenience and necessity to construct a 345 kV transmission line across the State of Illinois.

May I have the appearances for the record, please?

We'll start here in Room A in Springfield.

MR. FITZHENRY: On behalf of Ameren Transmission Company of Illinois, my name is Edward Fitzhenry. My address is 1901 Chouteau Avenue, St. Louis, Missouri 63166. My e-mail address is efitzhenry@ameren.com.

MR. STURTEVANT: Also appearing on behalf of Ameren Transmission Company of Illinois, Albert Sturtevant of Whitt Sturtevant, LLP. That's S-t-u-r-t-e-v-a-n-t. My address is 180 North LaSalle

1 Street, Suite 2001, Chicago, Illinois 60601. Phone
2 number is (312)251-3017, and my e-mail address is
3 sturtevant@whitt-sturtevant.com.

4 MR. BYRON: Christopher Byron on behalf of
5 Adams and Clark County landowners. My address is 411
6 St. Louis Street, Edwardsville, Illinois 62025. My
7 e-mail address is cwb@byroncarlson.com. My phone
8 number is (618) 655-0600.

9 JUDGE ALBERS: Would you spell your last name
10 please?

11 MR. BYRON: B-y-r-o-n.

12 JUDGE ALBERS: And who's your client?

13 MR. BYRON: The Adams and Clark County
14 landowners. We'll be making a formal appearance in
15 the next few days.

16 JUDGE ALBERS: Thank you.

17 MR. BYRON: Any my partner Brian Kalb (K-a-l-b)
18 is also here with me as well.

19 JUDGE ALBERS: All right. Thank you.

20 MR. McNAMARA: Edward D. McNamara, Jr.
21 (M-c-N-a-m-a-r-a), 931 South Fourth Street,
22 Springfield, Illinois 62703. E-mail address,

1 mcnamara.evans@gmail.com. I appear this morning on
2 behalf of William Klein, Deborah Klein. That's
3 K-l-e-i-n. Jim O'Connell, Barb O'Connell
4 (O'-C-o-n-n-e-l-l), Mary Klein, same Klein spelling,
5 Bitler (B-i-t-l-e-r) Investment Partnership, in care
6 of Carl Bitler, St. Boniface (B-o-n-i-f-a-c-e)
7 Church, James Hixson (H-i-x-s-o-n), John Boland,
8 (B-o-l-a-n-d), Julia Boland, Boland Farms, LLP.
9 We're intervening under the name of Colfax-Scott Land
10 Preservation Group. We filed our petition to
11 intervene on last Friday, November 30.

12 MR. KEATON: Forrest (F-o-r-r-e-s-t) G. Keaton
13 (K-e-a-t-o-n) with Rammelkamp Bradney, P.C. in
14 Jacksonville, Illinois. Our address is 232 West
15 State Street, P.O. Box 550, Jacksonville, Illinois
16 62651-0550, and my e-mail address is
17 fkeaton@rblawyers.net, and we're appearing on behalf
18 of Prairie Power, Inc.

19 MR. BARRY: Kyle Barry (B-a-r-r-y). I'm with
20 McGuire Woods, LLP. That's M-c-G-u-i-r-e W-o-o-d-s
21 and then LLP. Address is One North Old Capitol
22 Plaza, Suite 410, Springfield, Illinois 62701.

1 Phone number is (217) 527-1280. E-mail address is
2 kbarry@mwzllz.com, and I represent the FutureGen
3 Industrial Alliance, Inc. We filed our petition on
4 November 21st.

5 JUDGE ALBERS: I think that's all the
6 appearances of those who have already filed a
7 petition to intervene that are present here in
8 Springfield.

9 And on the phone, please?

10 MR. LAKSHMANAN: Yes. This is Joseph L.
11 Lakshmanan (L-a-k-s-h-m-a-n-a-n) appearing on behalf
12 of Dynegy Midwest Generation, LLC. My address is 133
13 South Fourth Street, Suite 306, Springfield, Illinois
14 62701. My e-mail address is
15 joseph.l.lakshmanan@dynegy.com.

16 MR. HARVEY: Appearing for the staff of the
17 Illinois Commerce Commission, Matthew L. Harvey,
18 Matthew with two Ts, Harvey is spelled H-a-r-v-e-y,
19 160 North LaSalle Street, Suite C-800, Chicago,
20 Illinois 60601-3104. E-mail is
21 mharvey@icc.illinois.gov.

22 MS. DANCEY BALOUGH: Appearing on behalf of the

1 City of Champaign, Cheryl Dancey Balough (C-h-e-r-y-l
2 D-a-n-c-e-y B-a-l-o-u-g-h) of Balough Law Offices,
3 LLC. My address is One North LaSalle, Suite 1910,
4 Chicago, Illinois 60602. E-mail is
5 cbalough@balough.com.

6 MR. SKEY: Appearing on behalf of the Nature
7 Conservancy, Christopher N. Skey spelled S-k-e-y
8 together with Christopher J. Townsend and Adam T.
9 Margolin, law firm of Quarles & Brady, LLC, 300 North
10 LaSalle Street, Suite 4000, Chicago, Illinois 60654.
11 E-mail address christopher.skey@quarles.com.

12 Thank you.

13 MR. MacBRIDE: Appearing on behalf of Grain
14 Belt Express Clean Line, LLC, this is Owen MacBride
15 (O-w-e-n M-a-c-B-r-i-d-e) with the law firm of Schiff
16 Hardin, LLP. That's S-c-h-i-f-f H-a-r-d-i-n. Our
17 address is 233 South Wacker Drive, Suite 6600,
18 Chicago, Illinois 60606. My telephone number is
19 (312)258-5680. My e-mail address is
20 omacbride@schiffhardin.com.

21 MS. BOJKO: On behalf of Midwest ISO, this is
22 Kimberly W. Bojko (B-o-j-k-o) with the law firm of

1 Carpenter, Lipps & Leland, and our address is 280
2 Plaza, Suite 1300, 280 North High Street, Columbus
3 Ohio 43215. My e-mail address is
4 bojko@carpenterlipps.com.

5 MS. CHECK: On behalf of the Midwest ISO, my
6 name is Connie Check (C-h-e-c-k). The address is 180
7 North LaSalle Street, Suite 2640, Chicago, Illinois
8 60601. Telephone (312)777-4300, and e-mail address
9 is check@carpenterlipps.com.

10 JUDGE ALBERS: What was your client again? I'm
11 sorry.

12 MS. CHECK: The Midwest ISO.

13 JUDGE ALBERS: And if I could interrupt the
14 appearances for a minute. I was just handed a note
15 telling me that James Teal, your vehicle is about to
16 be towed.

17 All right. Appearances, please
18 continue.

19 MR. ROBERTSON: Yes. Eric Robertson on behalf
20 of the Moultrie County property owners, Lueders,
21 Robertson & Konzen, P.O. Box 735, 1939 Delmar,
22 Granite City, Illinois 62040. My e-mail address is

1 erobertson@lrklaw.com. My phone number is
2 (618)876-8500.

3 MR. KESINGER: Appearing for Mary Splain, I am
4 G. Ronald Kesinger, 200 North West Street,
5 Jacksonville, Illinois 62650. Phone is (217)
6 243-5433. E-mail is kesingerlawfrontier.com.

7 JUDGE ALBERS: Could you please spell your
8 name, first and last?

9 MR. KESINGER: Kesinger is K-e-s-i-n-g-e-r. G.
10 Ronald is the first two names.

11 JUDGE ALBERS: And your client's spelling?

12 MR. KESINGER: Splain is S-p-l-a-i-n.

13 JUDGE ALBERS: Thank you.

14 Anyone else?

15 MR. BRADY: Appearing on behalf of Wind on the
16 Wires, this is Sean Brady, last name B-r-a-d-y. My
17 address is P.O. Box 4072, Wheaton, Illinois 60189.
18 My phone number is (312)867-0609. My e-mail address
19 is sbrady@windonthewires.org.

20 Do you need me to spell that out or do
21 you have that?

22 JUDGE ALBERS: We're good. Thank you.

1 MR. BRADY: Okay. Thank you.

2 MR. STREICKER: This is David Streicker
3 (S-t-r-e-i-c-k-e-r), attorney for the N. Kohl Grocer.
4 Address is 161 North Clark Street, Suite 4200,
5 Chicago, Illinois. Phone number is (312) 873-2941,
6 and my e-mail is dstreicker@polsinelli.com.

7 JUDGE ALBERS: Mr. Streicker, we did not catch
8 your phone number and e-mail, so please repeat those.

9 MR. STREICKER: Sure. (312) 873-2941, and my
10 e-mail is dstreicker@polsinelli.com.

11 JUDGE ALBERS: And your client again was...

12 MR. STREICKER: N. Kohl Grocer Company.

13 JUDGE ALBERS: Okay. Thank you.

14 MR. SNEDEKER: This is Johnny Snedeker with the
15 Clark County Preservation Committee, and we are in
16 Conference Room E. My e-mail address is
17 tedsned@digconsrb.com.

18 JUDGE ALBERS: What was your name again, sir?

19 MR. SNEDEKER: Johnny Snedeker
20 (S-n-e-d-e-k-e-r).

21 JUDGE ALBERS: Are you an attorney, sir?

22 MR. SNEDEKER: I am not. I am the chairman of

1 the Clark County Preservation Committee. We filed
2 our petition to intervene on the 7th of November.

3 JUDGE ALBERS: Okay. Thank you.

4 And do you plan on getting an
5 attorney?

6 MR. SNEDEKER: Yes, we do.

7 JUDGE ALBERS: All right. Thank you.

8 Any other appearances? There was one
9 I heard earlier. Mr. Niemann, are you still on the
10 line?

11 MR. NIEMANN: Yes, I'm here. My name is Ted
12 Niemann (N-i-e-m-a-n-n). I'm an attorney but I'm
13 representing myself. My address is P.O. Box 1069,
14 Quincy, Illinois 62306. My e-mail is
15 tniemann@srnm.com.

16 JUDGE ALBERS: And you are appearing as a
17 landowner, correct?

18 MR. NIEMANN: That's correct.

19 MR. FLYNN: Your Honor, my name is Ed Flynn.
20 I'm in conference room C. I represent the Village of
21 Mount Zion. We'll be filing a petition to intervene
22 today. My law firm is Winters, Featherstun, Gaumer,

1 Postlewait, Stocks, Flynn & Hubbard, 225 North Water,
2 Suite 200, Decatur, Illinois 62525. My e-mail is
3 eflynn@family-net.net.

4 JUDGE ALBERS: Any others wishing to enter an
5 appearance at this time?

6 MR. WILSON: Yes, Your Honor. My name is Brad
7 Wilson. I'm with the law firm of Gates, Wise &
8 Schlosser. That's G-a-t-e-s, W-i-s-e,
9 S-c-h-l-o-s-s-e-r. I represent the Morgan and
10 Sangamon County landowners and tenant farmers. My
11 address is 1231 South Eighth Street, Springfield,
12 Illinois 62704. My e-mail address is
13 brad@gwspc.com.

14 JUDGE ALBERS: Any other attorneys or
15 individual landowners that would like to enter their
16 appearance at this time?

17 Okay. Here in the hearing room.

18 MS. PEARCE: Gregory and Theresa Pearce;
19 Theresa, T-h-e-r-e-s-a, Pearce, P-e-a-r-c-e;
20 landowners in Sangamon County on the Meredosia to
21 Pawnee line. Address, 7564 Hemberger Road, Loami,
22 Illinois 62661.

1 My husband is a mechanic. I'm a
2 teacher. Our e-mail address is
3 wrenchandchalk2@aol.com.

4 JUDGE ALBERS: Any others?

5 MR. HAGEDORN: Yes. Appearing on behalf of the
6 Christian County property owners, my name is Attorney
7 Luke Hagedorn (H-a-g-e-d-o-r-n) with the law firm
8 Polsinelli Shughart. Our address is 105 West
9 Vandalia, Suite 400, Edwardsville, Illinois 62025.
10 Telephone number is (913)234-7416, and e-mail is
11 lhagedorn@polsinelli.com.

12 JUDGE ALBERS: Other intervenors or planned
13 intervenors?

14 Sir, you had your hand up first.

15 MR. SHERMAN: Glen R. Sherman, landowner, 3749
16 Ostermeier Road, Auburn Illinois.

17 JUDGE ALBERS: And have you filed a petition to
18 intervene?

19 MR. SHERMAN: No, I have not.

20 JUDGE ALBERS: Do you plan to?

21 MR. SHERMAN: No, I didn't plan to, but I just
22 thought everybody needed to be recorded.

1 JUDGE ALBERS: Okay. That's fine. Later if
2 any of the individual property owners have questions
3 later and you'd like to ask them on the record, I
4 will ask you to identify yourself at that time, but
5 otherwise, don't worry about it right now.

6 Anyone else, intervenors?

7 Sir, in the front row.

8 MR. MORAN: Sure. My name is William F. Moran
9 III, Attorney at Law, 725 South Fourth Street,
10 Springfield, Illinois 62703. My phone number is
11 area code (217)528-2183. My e-mail is
12 bmoran@stratton-law.com, and I am representing Justin
13 Perry (J-u-s-t-i-n P-e-r-r-y), and George, commonly
14 spelled, Orn (O-r-n), Clark County property owners,
15 and it's our intention to file a petition to
16 intervene this week.

17 JUDGE ALBERS: Sir?

18 MR. TIGHE: My name is Tim Tighe (T-i-g-h-e)
19 from Bolen, Robinson & Ellis. We have filed a
20 petition to intervene on behalf of Macon County
21 landowners. Our address is 202 South Franklin,
22 Decatur, Illinois 62523. Phone number is

1 (217) 429-4296. E-mail, ttighe@brelaw.com.

2 JUDGE ALBERS: Anyone else intervening or plan
3 to intervene?

4 MS. RAGHEB: Plan to intervene. I'm Barb
5 Ragheb (R-a-g-h-e-b), Ragheb family farm and our
6 corporation farm, AAT. Address, 2502 Jordan Drive,
7 Champaign, Illinois 61822-6815. E-mail,
8 baragheb@att.blackberry.net. Phone number,
9 (217)377-6357, and I'm representing our family which
10 includes husband and son.

11 Do you need their names too?

12 JUDGE ALBERS: If you'd like to have them
13 reflected on the record.

14 MS. RAGHEB: Sure. Son is Adam, and husband is
15 Magdi (M-a-g-d-i).

16 JUDGE ALBERS: And could you spell the last
17 name again, please?

18 MS. RAGHEB: R-a-g-h-e-b.

19 JUDGE ALBERS: Thank you.

20 MS. RAGHEB: We intend to file.

21 MR. GOWER: Your Honor, this is Ed Gower. I'm
22 with the law firm of Hinshaw & Culbertson, 400 South

1 Ninth.

2 JUDGE ALBERS: Hold on. What was your name
3 again, please?

4 MR. GOWER: My name is Ed Gower (G-o-w-e-r). I
5 anticipate intervening on behalf of certain Clark
6 County landowners. My address is Hinshaw &
7 Culbertson, LLP, 400 South Ninth Street, Suite 200,
8 Springfield, Illinois 62701. My direct telephone
9 number is (217) 467-4916, and my e-mail address is
10 egower@hinshawlaw.com.

11 JUDGE ALBERS: Any others then who wish to
12 intervene or have already intervened?

13 MR. TARBLE: Plan to intervene, Jerald Tarble
14 (J-e-r-a-l-d T-a-r-b-l-e), 20 Lakeview Drive
15 (Lakeview is one word), Marshall, Illinois 62441.
16 My e-mail address is stoner86@frontier.com. I plan
17 to intervene for Van Tarble & Sons, Tarble, Tarble &
18 Murphy, Tarble Land Trust, Charleston Stone Company,
19 and Quality Lime Company.

20 JUDGE ALBERS: Are you an attorney?

21 MR. TARBLE: No, sir, I'm not.

22 MR. MYERS: Yes.

1 JUDGE ALBERS: Do you plan on having an
2 attorney?

3 MR. TARBLE: Yes, I do.

4 JUDGE ALBERS: Okay.

5 MR. MYERS: I'm sorry. I thought you were
6 talking to me. This is John Myers. I just joined
7 the conversation.

8 JUDGE ALBERS: That's all right. We're still
9 entering appearances.

10 MR. MYERS: Okay. I'm sorry about that. Well,
11 I want to enter mine too, so call my name when it's
12 appropriate.

13 JUDGE ALBERS: You've got the floor now so go
14 right ahead.

15 MR. MYERS: Okay. Fine. My name is John Myers
16 (M-y-e-r-s). I'm the village attorney for the
17 Village of Pawnee.

18 You need my contact information?

19 JUDGE ALBERS: Please, including your e-mail.

20 MR. MYERS: Okay. My law firm is Rabin
21 (R-a-b-i-n) & Myers (M-y-e-r-s), 1300 South Eighth
22 Street, Illinois 62703, (217)544-5003. E-mail is

1 jmyers@springfieldlaw.com, and I'm entering my
2 appearance for the Village of Pawnee.

3 JUDGE ALBERS: Thank you.

4 Anyone else who's intervened or plans
5 to intervene?

6 MR. BLACK: My name is Lance Black. I
7 represent myself. My e-mail address is
8 lc-black@frontier.net. I plan to intervene.

9 This project that's proposed will
10 absolutely make my property uninhabitable by human
11 life.

12 JUDGE ALBERS: Could you give us your address,
13 please?

14 MR. BLACK: Yes. It's Rural Route 3, Box 43,
15 Rushville, Illinois.

16 JUDGE ALBERS: And your phone number?

17 MR. BLACK: (217) 322-2576.

18 JUDGE ALBERS: All right. Anyone else then?
19 All right. Well, we're going to -- are you planning
20 on intervening?

21 MR. CORZINE: My name is Leon Corzine
22 (C-o-r-z-i-n-e). I'm a landowner at Assumption

1 Illinois, and I plan to intervene with an attorney.

2 JUDGE ALBERS: And hearing room A?

3 MR. FEENEY: Patrick Feeney (F-e-e-n-e-y), 1474
4 East 1500 North Road, Monticello, Illinois. E-mail
5 is pfeeney@prairieinet.net. I'm representing myself
6 and my brother Mike.

7 JUDGE ALBERS: In the back, sir?

8 MR. BERGSCHNEIDER: I'm a landowner that plans
9 to intervene. My name is Paul Bergschneider
10 (B-e-r-g-s-c-h-n-e-i-d-e-r), 852 Franklin Alexander
11 Road, Franklin, Illinois 62638, and it's
12 paul@lynnncpa.com.

13 MR. HOWARD: I represent myself. My name is
14 Wesley Howard, W-e-s-l-e-y H-o-w-a-r-d. E-mail
15 address, jwnckg@comcast.net. Phone number,
16 (217) 416-7254.

17 JUDGE ALBERS: Thank you.

18 Any other intervenors or those who are
19 sure they're going to intervene?

20 MR. BURRUS: Your Honor, my name is Todd
21 Burrus. I'm a landowner. My legal counsel intends
22 to file as an intervenor tomorrow. T-o-d-d

1 B-u-r-r-u-s. 826 Arenzville Road, Arenzville,
2 Illinois 62611. E-mail todd@burrusseed.com. Phone,
3 (217) 997-5511.

4 MR. BURRUS: Your Honor, this is Tom Burrus
5 representing MGB Farms, LLC, a landowner. My name is
6 spelled T-o-m B-u-r-r-u-s, same address as my
7 brother's, 826 Arenzville Road, Arenzville, Illinois
8 62611. E-mail tom@burrusseed.com. Phone number
9 (217) 997-5511.

10 JUDGE ALBERS: All right. Any other
11 intervenors or those who are sure they're going to
12 intervene?

13 MR. HARRISON: I'd like to intervene. My name
14 is Lyle Harrison representing Harrison Farms in Piatt
15 and Moultrie County.

16 JUDGE ALBERS: And your phone and address,
17 e-mail address?

18 MR. HARRISON: My e-mail address is
19 lrharrison2000@yahoo.com, and my address is 1007
20 Ashland Avenue, Evanston, Illinois 60202.

21 JUDGE ALBERS: Did we get a phone number?

22 MR. HARRISON: (847) 977-8981.

1 JUDGE ALBERS: 8981?

2 MR. HARRISON: That's correct.

3 JUDGE ALBERS: All right. Any others?

4 Going once -- go ahead. I see
5 someone.

6 In the room in the back?

7 MR. COPELAND: Rick Copeland (C-o-p-e-l-a-n-d),
8 12541 North County Road, 300 East, Mattoon, Illinois
9 61938. My e-mail is rcope51773@aol.com.

10 We plan to file a petition on behalf
11 of my family and myself and a neighbor, two
12 neighbors.

13 JUDGE ALBERS: Well, you can't represent
14 someone else. You can represent yourself.

15 MR. COPELAND; okay. Well, me and my family.

16 JUDGE ALBERS: Did you give your phone?

17 MR. COPELAND: (217) 234-9365.

18 JUDGE ALBERS: Before we hear anything else, I
19 realize that whatever room you may be in, moving your
20 pen or bumping the microphone may not seem very loud,
21 but on this end, it's very loud, and it's very
22 difficult for the court reporter to hear everything

1 that's being said, and if you're on the phone right
2 now, it's not helpful.

3 If someone is near the person on the
4 phone, please say something to them.

5 Anyone else here?

6 MR. SOHN: Landowner, Steven (S-t-e-v-e-n) Sohn
7 (S-o-h-n) from Quincy, Illinois, and telephone number
8 is (217)242-0995. I have no e-mail. 3323 North
9 Fifth.

10 JUDGE ALBERS: What was your last name again,
11 sir?

12 MR. SOHN: Sohn (S-o-h-n).

13 JUDGE ALBERS: Any others?

14 MR. KEYES: Yes. I have one.

15 JUDGE ALBERS: Go ahead.

16 MR. KEYES: Okay. My name is Dayton Keyes,
17 D-a-y-t-o-n K-e-y-e-s.

18 JUDGE ALBERS: And your address?

19 MR. KEYES: Address is 996 150th Street,
20 Elkhart, Illinois 62634.

21 JUDGE ALBERS: And your phone number?

22 MR. KEYES: Area code (217) 412-1816.

1 JUDGE ALBERS: And an e-mail address?

2 MR. KEYES: deavbang1968@gmail.com.

3 JUDGE ALBERS: Okay. And again, if there's an
4 individual on the phone, please move away from the
5 microphone.

6 Anyone else?

7 MR. ROLAND: Yeah, I've got one.

8 JUDGE ALBERS: Go ahead.

9 MR. ROLAND: Darin (D-a-r-i-n) Roland
10 (R-o-l-a-n-d), Central Stone Company.

11 JUDGE ALBERS: Do you have an address?

12 MR. ROLAND: 46445 Sweetbay Lane, Hannibal,
13 Missouri 63401.

14 JUDGE ALBERS: Phone number?

15 MR. ROLAND: (573) 248-7388.

16 JUDGE ALBERS: E-mail address?

17 MR. ROLAND: droland@centralstonepo.com.

18 JUDGE ALBERS: All right. And are you an
19 attorney, sir?

20 MR. ROLAND: No.

21 JUDGE ALBERS: Okay. Do you plan to get one?

22 MR. ROLAND: I imagine, yeah.

1 JUDGE ALBERS: Is that a yes? If you're
2 representing a corporation, you need to have an
3 attorney.

4 MR. ROLAND: That's fine. We got that.

5 JUDGE ALBERS: All right. Anyone else?

6 MR. SMITH: Yes. Josh Smith.

7 JUDGE ALBERS: Address and phone please?

8 MR. SMITH: 4640 Timberview Drive, Auburn,
9 Illinois 62615.

10 JUDGE ALBERS: Phone number?

11 MR. SMITH: (217) 306-4176, and e-mail is
12 jsmithfarm@yahoo.com.

13 JUDGE ALBERS: Okay. I think there may be
14 others in the audience who intend to intervene, just
15 haven't done so yet.

16 If you have not intervened and still
17 intend to do so, please do so whenever you can, but I
18 think in the interest of covering all the ground we
19 have to cover this morning, I'm going to ask people
20 to hold off at this point. If you do want to speak
21 later, you're welcome to speak. Just identify
22 yourself and enter your appearance at that time, but

1 you're not going to be prejudiced or anything if you
2 don't state your intention to intervene this morning.

3 First thing I want to make clear is
4 that there will be no testimony of any sort taken
5 today. There will be no decisions made today about
6 the location of the transmission line. The purpose
7 of this hearing is simply to explain the process and
8 identify, try to identify a schedule.

9 Judge Yoder and I -- actually, we
10 should introduces ourselves. My name is John Albers.
11 I'm an administrative law judge here. This is Steve
12 Yoder. We're both ALJs, and will be handling this
13 matter together, but we will set a scheduling which
14 is the purpose for this prehearing conference. We'll
15 hear your input on the schedule and will probably be
16 issue a ruling within a day or so depending on the
17 actual schedule.

18 But in terms of what we're going to do
19 today, the first thing I want to do is describe the
20 process, hear any procedural questions from anyone,
21 within reason, and identify a few preliminary matters
22 we have in terms of petitions to intervene regarding

1 a couple motions we've already received, and then
2 finally discuss a schedule.

3 I think the first thing we'll do is
4 describe the process to everyone.

5 This petition was filed under the
6 Public Utilities Act, Section 8-406.1 specifically.
7 The section was enacted in 2008, and it sets forth an
8 expedited process for reviewing transmission lines.

9 On November 28th, the Illinois
10 Commerce Commission exercised its option to extend
11 the deadline, so the statutory deadline in this case
12 now as we calculate it is June 20th of next year.

13 When Ameren filed their petition, they
14 included written testimony explaining their position,
15 and in reviewing what Ameren submitted, our ICC
16 staff, our ICC staff, our Illinois Commerce
17 Commission staff, and other intervenors may have
18 questions about what it is Ameren said before they
19 decide how to respond to that, and to answer those
20 questions, staff and intervenors may send written
21 questions to Ameren to try to find out exactly what
22 it is Ameren is proposing or clarify any ambiguous

1 areas in the petition, and that process is called
2 discovery. Anybody who intervenes can take advantage
3 of that discovery process.

4 Now, those questions and answers are
5 simply exchanged between Ameren and whoever is asking
6 them. They don't come before me and Judge Yoder so
7 we're not going to see all the questions and answers
8 that you asked and got answers to.

9 To be clear though, when I talk about
10 ICC employees or our staff members, those are
11 employees employed by the Commission. They run from
12 lawyers, accountants, engineers, economists. It's
13 their task to look at this case and make a
14 recommendation that balances the interests of all the
15 parties. They don't take the side of the public.
16 They don't take the side of the utility. They may
17 have a position that no one likes, but either way,
18 that's their job.

19 Later this morning, we'll set a
20 schedule for staff and intervenors to submit written
21 testimony in response to what Ameren has already
22 submitted, and this testimony may or may not

1 incorporate some of the answers they get back in
2 discovery, but the overall purpose of it, it's an
3 opportunity to present your position and tell the
4 Commission what you think should be changed about
5 what Ameren is proposing, and if you want to be able
6 to do that, you need to actually intervene in this
7 case, and you must do so pursuant to 83 Illinois
8 Administrative Code Part 200. That's the
9 Commission's Rules of Practice, and that sets forth
10 all the rules by which we must conduct these
11 hearings, and Part 200 tells you how to intervene and
12 how to file documents with the chief clerk.

13 The chief clerk here at the Commission
14 is many things, but for our purposes right now, we're
15 going to say she's our main record keeper, and they
16 will not accept filings that are not submitted in
17 compliance with Part 200. You can get a copy of
18 Part 200 from the chief clerk's office here in
19 Springfield or you can find it online. It is
20 available online.

21 MR. HARVEY: This is Matt Harvey from the
22 Commerce Commission staff. You can just go to our

1 Web page, click on authority and rules, go to code
2 Part 83, and you'll be there.

3 JUDGE ALBERS: Okay. Thank you.

4 After we get staff and intervenors'
5 written testimony, Ameren will get a chance to
6 respond to that testimony with more testimony of
7 their own. We'll discuss later if there's going to
8 be any more rounds of testimony, but basically,
9 that's the testimony phase of the process.

10 After that, there will be an
11 evidentiary hearing here in Springfield at which time
12 those who provided testimony will be sworn in, and
13 you can expect to be asked questions by the other
14 attorneys for the other parties. They may not have
15 any questions for you about your position, but they
16 may very well have several questions for you, but
17 that is what happens at the evidentiary hearing.

18 After that, the parties will have an
19 opportunity to file initial briefs and reply briefs.
20 You don't have to file one, but basically, that is
21 where you apply -- it's a written document, and it's
22 where you apply the facts of the law, and it

1 basically also serves as one last pitch for your
2 position.

3 After we get those in, Judge Yoder and
4 I will take a look at everything in the record, and
5 we'll make a recommended decision and then we'll have
6 a proposed order, and that will be served on all the
7 intervenors, the staff, and the company. Then you'll
8 have a chance to tell us what we got wrong in that
9 decision, and that's called your brief on exceptions
10 because you're taking exceptions to what we recommend
11 to the Commission.

12 Thereafter, it will be something
13 called replies to briefs on exceptions wherein if
14 Judge Yoder and I make a decision about some aspect
15 of this that Ameren doesn't care for, Ameren can tell
16 us what we got wrong. Those that like our decision
17 can say, oh, no, wait, the judges got it right the
18 first time. That's what you would say in a brief on
19 reply to exceptions.

20 The five commissioners then would then
21 take the proposed order, the exceptions and replies
22 to exceptions, and make the final decision in this

1 case.

2 So in a nutshell, that's how this
3 process is going to work.

4 Other points I want to make sure we
5 make at this time are that given the timeframe we're
6 under, we do intend to serve our notices and rulings
7 and whatnot by e-mail. I think everyone provided
8 their e-mail except for one. We'll try to make some
9 sort of accommodation for that, but, you know, we do
10 intend to use e-mail as much as we can.

11 And one other point. It is our
12 practice with a transmission line case that if you're
13 unhappy about a particular route that a company is
14 proposing, it doesn't do us any good just to hear
15 someone complain about that route. We need to have
16 alternatives. So if you don't like some particular
17 area that the line has been proposed to go through,
18 give us some kind of alternative, and when you do,
19 you know, be specific, and you need to identify any
20 other landowners that are going to be affected by it
21 because we don't want to change something on these
22 folks land without giving them notice, just like you

1 wouldn't like it if you got a line put on your
2 property without notice.

3 So at this point, I'll turn it over to
4 see if there are any questions. We'll start with the
5 lawyers that are present first. Their questions
6 might answer some of yours.

7 Mr. Fitzhenry?

8 MR. FITZHENRY: Yes, Your Honor. Just a point
9 of clarification in your remarks. The company, ATXI,
10 is also permitted to conduct discovery as you
11 described it asking questions of the parties and, you
12 know, can do so at any time, but likely we'll be
13 asking questions or discovery after the parties file
14 their testimonies.

15 JUDGE ALBERS: Yes, absolutely, absolutely. It
16 works both ways.

17 So if you propose an alternative
18 route, Ameren might ask you, you know, what about
19 this that you think is better; might ask for some
20 details behind it as to how it would affect others or
21 themselves for that matter.

22 Any other questions from attorneys at

1 this point?

2 No. Okay. Any procedural questions?

3 And again, I will not get into any particular impact
4 on someone's property right now. That is not for
5 today. This is just to explain the process and set a
6 schedule.

7 So if anyone has any procedural
8 questions at this time, please, this is your
9 opportunity.

10 Sir?

11 MR. BURNSIDE: Is there a deadline on
12 intervening?

13 JUDGE ALBERS: Again, whenever anybody wants to
14 speak, please identify yourself first for the benefit
15 of the court reporter and for the benefit of anyone
16 else on the phone.

17 MR. BURNSIDE: Tom Burnside, Kansas, Illinois.

18 JUDGE ALBERS: As I understood the question,
19 I'll repeat it, is there a deadline on intervening.

20 MR. BURNSIDE: Right.

21 JUDGE ALBERS: Okay. There is no deadline on
22 intervening. However, at whatever point you decide

1 to intervene, you accept the record as it exists at
2 that point.

3 So, for example, if everyone has
4 already submitted their testimony and tomorrow is the
5 first day of the evidentiary hearing and someone
6 decides to intervene that day, we're not going to go
7 back and give them a chance to submit their
8 testimony. They've missed those testimony filing
9 dates, so their time to submit testimony is passed.
10 They won't be able to submit any additional
11 testimony.

12 Now, they can show up at the hearing
13 and cross-examine witnesses and then file briefs and
14 do everything else that will come afterwards, but
15 we're not going to back up the calendar because
16 someone decided late in the game they want to
17 intervene.

18 Does that answer your question?

19 MR. BURNSIDE: Well, what's that date?

20 JUDGE ALBERS: Well, there is no date to
21 intervene. I'm sorry. I'm sorry. There is no
22 deadline for intervening. You can intervene at any

1 point throughout this process, but at whatever date
2 you decide to that, you're stuck with the record as
3 it exists as of that date.

4 That's the rule in every Commission
5 hearing, every Commission docket.

6 Any other procedural questions?

7 MR. FLYNN: This is Ed Flynn on behalf of the
8 Village of Mount Zion.

9 Procedurally, I don't understand the
10 discovery rule in regards to intervenors,
11 specifically, Section 200.335, that an intervenor
12 only has 30 days to complete discovery after they've
13 filed their petition for intervention and yet the
14 rest of the discovery rules seem to be incompatible
15 with that provision.

16 Can you clarify that for me, please?

17 JUDGE ALBERS: Well, I think generally as a
18 matter of practice here, we don't, and except for the
19 ALJ's discretion in each case, we don't limit anyone
20 to the time that they can ask or initiate discovery.

21 Judge Yoder and I don't intend to, you
22 know, limit discovery, but as a practical matter, we

1 can't allow someone to say, for example, the day
2 before their testimony is due to submit a hundred
3 questions to Ameren, and then, you know, seek a
4 motion to delay their testimony.

5 So you need to act diligently now, do
6 your discovery upfront as much as you can.

7 Mr. Fitzhenry, do you want to add
8 something there?

9 MR. FITZHENRY: Yes, Your Honor. A couple
10 things.

11 You're correct in your description of
12 the discovery process in Illinois. The case
13 management order that's been presented to you for
14 consideration outlines time periods by which
15 discovery must be completed, and again, this is
16 consistent with past practice and other Commission
17 docket proceedings, so I just want to bring that to
18 your attention.

19 JUDGE ALBERS: Right. I did have a chance to
20 look at that.

21 Ameren, for those of you who aren't
22 familiar with what we're talking about, Ameren filed

1 a motion seeking a case management order and a
2 coordinated schedule, and basically, it's just a few
3 pages long. It's available on our e-Docket on our
4 Web page. It proposes some periods for conducting
5 discovery, and it proposes a particular schedule for
6 this case to proceed along.

7 Judge Yoder and I will take a look at
8 that, and we may or may not make changes to it,
9 particularly in light of any comments we might get
10 today.

11 Parties will have a chance to formally
12 respond to any motions that are filed in this case.
13 That particular one was later on my list for this
14 morning, but since you mentioned it, we'll just
15 describe it a little bit now.

16 If Judge Yoder and I decide to enter
17 any kind of case management order for this particular
18 docket, then that would be the rules for this case to
19 go by. Anyone is welcome to respond, anyone who has
20 intervened in the case is welcome to respond to what
21 Ameren has proposed, and we'll take a look at those
22 responses and try to, you know, balance the interests

1 and rule accordingly.

2 Does that help you, sir?

3 MR. FLYNN: In other words, an intervenor would
4 be treated as any other party as far as the case
5 management order for the purposes of discovery,
6 right?

7 JUDGE ALBERS: Yes.

8 MR. FLYNN: That's fine.

9 MR. MacBRIDE: Judge, this is Owen MacBride on
10 behalf of the Grain Belt.

11 I believe the gentleman who asked a
12 question about a 30-day time limit was looking at a
13 provision in Section 200.335 which applies only to
14 proceedings under the Commercial Transportation Law,
15 and so it would not be applicable to this case.

16 JUDGE ALBERS: Yeah, I couldn't recall it off
17 the top of my head, but, yeah, in this particular --
18 that's why I wasn't sure where it was coming from
19 yeah, thank you, Mr. MacBride.

20 Those proceedings reside, I'm sorry,
21 proceedings under the Commercial Transportation Law,
22 those are hearings that the Commission conducts

1 pertaining to transportation issues.

2 Basically, the Commission is divided
3 into two halves that aren't equal halves. Most of
4 what we do are not equal halves. Most of what we do
5 is public utility related. The Commission also has
6 some jurisdiction over transportation issues. I
7 probably earned the, I probably raised the apple to
8 some of our transportation colleagues, but anyway,
9 Mr. McNamara, you had a question.

10 MR. McNAMARA: Mr. MacBride said it all.

11 JUDGE ALBERS: All right. Very good. Thank
12 you.

13 If there's no other procedural
14 questions at this time, we'll move along to some
15 preliminary matters.

16 MR. SKEY: Your Honor, this is Chris Skey on
17 behalf of the Nature Conservancy. I had an item.
18 I'm not sure if this fits into the procedural items
19 that you're raising now but I'll just put it out
20 there.

21 Given the number of parties and the
22 dispersal of parties as well as their counsel, I'm

1 wondering if in this case for purposes of the
2 evidentiary hearing the Commission will intend to
3 make a hearing place in the Chicago office available
4 as well and a video hookup. I know that's been done
5 in past cases, but it seems to me in this case that
6 that might be something to be planning for so that,
7 you know, counsel can be available, or whoever wants
8 to participate or observe, can do so from both of
9 those locations rather than just down in Springfield.
10 So we'd make that request at this time.

11 JUDGE ALBERS: Well, I'll tell you generally
12 when -- I know that has been done at some point. I
13 don't intend to make any final decision on that until
14 we get closer to the hearing.

15 Usually when you want to cross-examine
16 someone, we expect you to be physically present in
17 the same room, but, obviously, there have been some
18 accommodations made in situations where a lot of
19 parties in various locations.

20 You know, as a tentative matter, I
21 would just note that there are, you know, the vast
22 majority of the landowners are certainly downstate in

1 nature, so I'm not sure how much Chicago demand there
2 will be aside from some attorneys up there, but I'm
3 not going to make any decision on that at this point.

4 MR. SKEY: Okay. Well, I appreciate that.
5 Perhaps we'll see how things play out. I wanted to
6 put it out there. I know it's been a technique that
7 has been used in various rate cases and other large
8 cases including when staff counsel wasn't able to
9 travel up to Chicago, it was permitted that counsel
10 could cross-examine those witnesses via video while
11 those witnesses were in Springfield and the counsel
12 was in Chicago in the main hearing room so...

13 JUDGE ALBERS: I agree; it has been done.

14 MR. SKEY: Okay. Fair enough. You don't need
15 to spend time on it. I just wanted to put it out
16 there, and perhaps we'll reiterate or renew that
17 request as we get closer to the hearing.

18 JUDGE ALBERS: That's fine. Thank you.

19 All right. Then moving on to our
20 preliminary matters in terms of our petitions to
21 intervene and whatnot, the petitions to intervene
22 that we've received so far, well, I'll note that we

1 earlier received two that have already been granted.

2 That was from the Midwest Independent Transmission

3 System Operator and Dynegy Midwest Generation. Those

4 have already been granted.

5 Since then, we've received petitions to

6 intervene from FutureGen Industrial Alliance, Clark

7 County Preservation Committee, Moultrie County

8 property owners, Mary Splain, Macon County property

9 owners, Niemann Foods, and I will note there is no

10 one here at this time representing Niemann Foods,

11 correct?

12 MS. CLEVINGER: I'm here.

13 JUDGE ALBERS: Oh, you are. I'm sorry. What

14 was your name again? Could we get that for the

15 hearing?

16 MS. CLEVINGER: My name is Shan Clevenger,

17 S-h-a-n C-l-e-v-e-n-g-e-r, and I work with Niemann

18 Foods.

19 JUDGE ALBERS: Are you an attorney?

20 MS. CLEVINGER: I am not.

21 JUDGE ALBERS: Will Niemann Foods have a

22 lawyer?

1 MS. CLEVINGER: If that becomes necessary, yes.

2 JUDGE ALBERS: All right. Well, if you plan on
3 doing anything more than just entering your
4 appearance, you'll need a lawyer.

5 MS. CLEVINGER: Certainly.

6 JUDGE ALBERS: All right. We also have
7 petitions to intervene from Prairie Power, Inc.,
8 Embridge Pipelines, LLC, Embridge Pipelines FSP, LLC,
9 and CCPS Transportation, LLC. That's all under one
10 petition to intervene.

11 Is there anyone here from Embridge?

12 That's a no.

13 Now, the Colfax-Scott Land
14 Preservation Group, Grain Belt Express Clean Line,
15 LLC, Morgan and Sangamon County landowners and tenant
16 farmers, Christian County property owners, the Nature
17 Conservancy, Gregory and Theresa Pearce, the Village
18 of Mount Zion and Wind on the Wires.

19 And again, if you're on the phone,
20 please step away from the microphones.

21 So far, I've only received objections
22 to one of the petitions to intervene, and that is

1 from Ameren regarding the Clark County Preservation
2 Committee intervention. We'll set aside the Clark
3 County Preservation Committee intervention for a
4 moment.

5 With regard to the other petitions to
6 intervene, is there any objection to any of those?

7 MR. STURTEVANT: Your Honor, I believe...let me
8 just run down my list here...that with respect to the
9 petitions filed through Friday, so everything through
10 the 30th, we've been able to review those. The ones
11 that were filed over the weekend or today we've not
12 been able to review.

13 So I guess while we're on that point,
14 I wonder also if at some point we might set some kind
15 of a procedural schedule for timing of objections to
16 petitions to intervene if those are needed which we
17 don't have to address now.

18 I believe that the ones filed through
19 the 30th, other than two instances, the one where we
20 filed the response on e-Docket, the committee in
21 Clark County, the opposition to that, and then with
22 respect to the Colfax-Scott Land Preservation Group,

1 we've had a discussion with Mr. McNamara about his
2 petition to intervene, and my understanding at this
3 point is that he's intending to file an amended
4 petition, so given that, we would await I guess the
5 amended petition with respect to that group.

6 JUDGE ALBERS: Okay.

7 MR. STURTEVANT: With respect to the rest of
8 them filed up through Friday, we do not have any
9 objection.

10 MR. McNAMARA: Judge, with regard to the
11 amended petition, I plan to file it. I believe I'll
12 be adding additional parties. If I'm not, then we'll
13 talk about what additional information the
14 petitioners need from me, and I'll furnish it.

15 MR. STURTEVANT: Okay.

16 JUDGE ALBERS: Very well.

17 Does anyone else have any objections
18 at this time to any petitions to intervene?

19 All right. Well, then, go ahead and
20 identify the ones that we think are uncontested and
21 rule on those.

22 FutureGen Industrial Alliance,

1 Moultrie County property owners, Mary Splain, Macon
2 County property owners, Niemann Foods, Inc., Prairie
3 Power, Inc., the Embridge entities, Grain Belt
4 Express Clean Line, LLC, Morgan and Sangamon County
5 landowners and tenant farmers, and Christian County
6 property owners.

7 I do not believe there is any
8 opposition to any of those petitions to intervene.
9 They are hereby granted.

10 Now, with regard to the ones that we
11 received today here at the Commission over the
12 weekend, that would be the Nature Conservancy,
13 Gregory and Theresa Pearce, Village of Mount Zion and
14 Wind on the Wires.

15 Would Ameren care for a few days then
16 to take a look at those and file any opposition they
17 may have?

18 MR. STURTEVANT: Yeah. What I thought I might
19 propose just as a general matter is that Ameren and
20 any other parties be given five business days to
21 review any petition to intervene and file any
22 objections within that timeframe.

1 JUDGE ALBERS: Like from today or --

2 MR. STURTEVANT: Sure.

3 JUDGE ALBERS: Okay. I mean, if more are
4 filed, then...

5 MR. STURTEVANT: Right, so kind of on a rolling
6 basis. To the extent that petitions come in, there
7 would be a five-day window to review and file
8 objections, five business-day window to review and
9 file objections for each petition.

10 I mean, we can change it. If we want
11 to make it shorter, we can. It's up to you.

12 JUDGE ALBERS: I think that's fine with us for
13 now. I think if someone files a petition to
14 intervene the day before testimony is due, go ahead
15 and let them file the testimony, but if there's, you
16 know, good grounds for objecting and it ends up being
17 denied, then the testimony would have no effect.

18 I think before we talk about the Clark
19 County Preservation Committee intervention, I think,
20 Mr. Snedeker, it sounds like you're in one of the
21 other rooms here in Springfield, is that correct?

22 MR. SNEDEKER: That is correct, Your Honor.

1 JUDGE ALBERS: Could you please come to room A?
2 That would be easier for us to address your petition
3 to intervene if you'd come to room A.

4 MR. SNEDEKER: Yes, sir.

5 (Pause)

6 (Whereupon someone entered the
7 hearing room.)

8 JUDGE ALBERS: Mr. Snedeker?

9 MR. SNEDEKER: Yes.

10 JUDGE ALBERS: Oh, okay. Go ahead and come to
11 the table here.

12 All right. Clark County Preservation
13 Committee filed a petition to intervene, and did you
14 see or receive Ameren's objections?

15 MR. SNEDEKER: I did.

16 We intend -- by Wednesday our
17 attorneys will file an amended petition. Actually,
18 Ameren had a good point in that we didn't identify
19 our landowners, and I guess there would have been
20 question on our status to intervene, but we will have
21 an amended, by end of business on Wednesday, our
22 attorneys will file an amended petition.

1 JUDGE ALBERS: Okay. That will work. Thank
2 you.

3 MR. STURTEVANT: That's fine.

4 JUDGE YODER: You'll indicate and file
5 something whether you withdraw your opposition to the
6 petition to intervene or something or whether you
7 wish to continue it?

8 MR. STURTEVANT: Well, I guess if there's an
9 amended petition, does that --

10 JUDGE YODER: Are you going to file a new
11 petition if you have opposition to it?

12 MR. STURTEVANT: Yeah, I guess I would just
13 say, given their intention to file an amended
14 petition, that would, at least for the moment,
15 address the concerns we expressed in our response.

16 If we have additional concerns, we
17 would raise those again after the amended petition is
18 filed.

19 JUDGE YODER: All right.

20 JUDGE ALBERS: Thank you.

21 All right. Moving along then, on
22 November 15th, we received ATXI's motion for a

1 protective order. We had set a schedule for
2 responses and replies to that. I did not receive
3 anything.

4 Did anybody have any comments about
5 that provision for a protective order now?

6 Hearing none, Judge Yoder and I will
7 issue a ruling on that shortly.

8 With regard to the case management
9 order that came in on November 30th, we have not set
10 a schedule yet for responses and replies. I imagine
11 folks want to take a look at that and offer any input
12 on it. I think before we could get too far into
13 that, I think we do want to mention one thing.

14 We did have some concerns about going
15 with the five rounds, well, a total of five rounds of
16 testimony. We were pondering, given the timeframe,
17 trying to shorten it up a bit and perhaps go with the
18 Ameren direct that was submitted with the petition,
19 staff and intervenor testimony and Ameren rebuttal,
20 and then going into the evidentiary hearing. So bear
21 that in mind when we have any responses to the
22 motion.

1 We also, in light of our comment
2 earlier about making sure you give us an alternative
3 if you're not pleased with the proposed location, in
4 order for that to have any meaning, we would need to
5 see that alternative sooner rather than later if you
6 will, and by that, what we're contemplating is...and
7 again, this is just some thoughts we want to share
8 with you. We're not making a ruling with this
9 statement, but, you know, we wondered if it would be
10 prudent to have intervenors who would like to propose
11 an alternative route to propose it at an earlier date
12 than when their testimony is due just so it's
13 identified and we can notify the landowners that
14 would be affected by that new alternative.

15 For example, if we set staff and
16 intervenor testimony due at the end of a month,
17 perhaps a few weeks before that, anybody with an
18 alternative route could identify that route ahead of
19 time, give us the list of affected landowners. We'll
20 notify those landowners, let them know what's
21 happening.

22 That way, if they want to have a say

1 too, when it does come time to submit testimony from
2 staff and intervenors, those newly affected
3 landowners could respond as well on how this may
4 affect them.

5 And thereafter, Ameren would still get
6 a chance at the end to file rebuttal responding to
7 all the proposals.

8 So if anyone has any questions about
9 that idea, please go ahead and ask them.

10 MR. FITZHENRY: Your Honor, Ed Fitzhenry for
11 the company again.

12 Assuming you go ahead and make the
13 proposal that you're discussing here this morning,
14 how best would the landowners identify the
15 alternative route? What information would you expect
16 at a minimum that they would have to provide you so
17 that you would have the necessary information by
18 which to notify perhaps affected landowners?

19 JUDGE ALBERS: That's a good question.

20 We would ask and expect to see a map
21 in the same nature as what Ameren has provided with
22 their petition that would outline where Ameren is

1 proposing the line and how they would propose to
2 change it and how it needs to be very clearly
3 indicated in terms of exactly where the line would
4 then turn to avoid a certain parcel, and then you
5 also need to give us the actual addresses, names and
6 addresses of individuals affected by this
7 alternative.

8 Typically, I believe that the county
9 tax records are the source of those names and
10 addresses for newly affected property owners. You
11 know, we realize this may be a difficult burden for
12 some folks, but simply telling us that we don't want
13 it in our back yard doesn't help us because it
14 doesn't give us an alternative to consider.

15 Does that answer your question,
16 Mr. Fitzhenry?

17 MR. FITZHENRY: Yes, it does, Your Honor.

18 JUDGE ALBERS: Thank you.

19 MR. McNAMARA: Judge, if I might be heard.

20 JUDGE ALBERS: Sure.

21 MR. McNAMARA: Schedule 4 of the petition for
22 the case management order sets forth dates that the

1 company proposes.

2 If intervenors are going to comment,
3 it might be helpful if the judges have something in
4 mind also bearing this that we would have that ahead
5 of our comments. In other words, if there's going to
6 be three rounds of testimony, if that's what you're
7 proposing, then it would be nice to know your
8 proposed dates before everyone weighs in on the
9 company's dates.

10 JUDGE ALBERS: You mean the dates for the
11 schedule at the end?

12 MR. McNAMARA: Yes, sir.

13 JUDGE ALBERS: Okay. I don't know if we have,
14 you know, anything definitive. I mean, just to give
15 us a sense of how this might play out, we've put pen
16 to paper and come up with some ideas, but I think our
17 hope is that by working together, you folks would try
18 to figure out what would be the most efficient and
19 practical way to do this.

20 If there's particular questions you
21 have, please go ahead and express them. I don't
22 really want to get into the situation or the habit of

1 having the judges propose something and having the
2 parties, you know, respond on something like a case
3 management order. We have what Ameren proposed.
4 We've shared some concerns we have about it.

5 MR. McNAMARA: If I get your statement correct,
6 if I'm correct, the judges are going to propose
7 something different as to the filing of testimony and
8 when we can file testimony, is that correct?

9 JUDGE ALBERS: Well, we've shared our concerns
10 about the schedule in terms of having five rounds and
11 trying to fit everything in, and one of our
12 additional ideas is to have landowners propose any
13 alternative route that they would like to see
14 implemented.

15 Clearly, that idea wouldn't mesh with
16 the five rounds of testimony in terms of just having
17 enough time to fit it all in. So we want to advise
18 you as to our concerns about trying to fit both our
19 idea of letting landowners propose alternatives into
20 the schedule before you submit your comments and
21 responses to Ameren's motion.

22 MR. McNAMARA: I think I understand what you're

1 saying.

2 What I'm trying to figure out is the
3 dates that the company is proposing, if you're going
4 to vary those dates, it would be nice for us to know
5 ahead of time.

6 JUDGE ALBERS: Well, I suspect that if we asked
7 ten lawyers, we might get ten different responses.

8 (Whereupon an off-the-record
9 discussion transpired at this
10 time between Judges Yoder and
11 Albers.)

12 JUDGE ALBERS: I mean, I think we're not sure
13 of what other obligations in terms of an ICC
14 proceedings and other non-ICC proceedings people are
15 going to have. We don't want to try to impose
16 without considering those other obligations and set a
17 date.

18 While we share our concerns about
19 trying to fit things in, I still think we need to
20 consider having staff and intervenor testimony and
21 Ameren rebuttal before going to the evidentiary
22 hearing. We're hesitant to try to spell out exactly

1 what dates those would be on because we're not sure
2 ourselves, so we're looking for input from the
3 parties in the form of their response to Ameren's
4 motion.

5 MR. McNAMARA: You would prefer us to do that
6 in writing rather than here today?

7 JUDGE ALBERS: Oh, yes, yes.

8 MR. McNAMARA: Okay. Fine.

9 MR. ROBERTSON: Your Honor, this is Eric
10 Robertson.

11 Are you suggesting that we should also
12 respond to your suggestion that persons proposing an
13 alternative route be required to disclose that route
14 and provide the list of potentially affected property
15 owners at an earlier date than the date for filing of
16 their direct testimony? Are we to respond to that
17 idea as well in whatever we file in response to the
18 company's motion?

19 JUDGE ALBERS: Well, yes, yes, please. That's
20 why we're bringing it up, to let you know what we are
21 thinking about, and I think in some fashion, we have
22 to let any newly affected property owners have an

1 opportunity to be heard, so I think we have to find
2 out who they are and we have to notify them in the
3 process, and it's just what's the most efficient way
4 to do that in 220 some days.

5 Does that help Mr. Robertson?

6 Average.

7 MR. ROBERTSON: Yes, sir.

8 MR. GROSS: Can we jump in here for a second,
9 please?

10 JUDGE ALBERS: State your name.

11 MR. GROSS: Yes. My name is William Gross
12 representing owners Evelyn C. Gross, Steven C. Gross,
13 and myself.

14 There's a lot of discussion here on
15 us, the landowners, providing our thoughts on where
16 this power transmission line should be placed. I
17 remain in the group that has not even seen any maps
18 on where the proposed routes are, so if there's some
19 help we can be given on that.

20 JUDGE ALBERS: Yes. Have you visited our Web
21 page?

22 MR. GROSS: Yes, I have.

1 JUDGE ALBERS: If you go to our e-Docket system
2 under this particular case, Docket 12-0598, Ameren's
3 entire petition, and it is quite lengthy, there's
4 voluminous maps that indicate exactly where Ameren is
5 proposing to place both its preferred routes and its
6 alternate route.

7 Now, to the extent that you would like
8 to try to narrow down where to look in that
9 documentation or how it affects your particular
10 parcel, perhaps outside of today's hearing you might
11 be able to talk to someone from Ameren that might be
12 able to help you pinpoint where your parcel is and
13 how the line would affect you. That might be an
14 efficient way for you to narrow it down.

15 MR. GROSS: Some of the folks that I'm with in
16 the room here described the maps. They say they
17 don't have the highways on them. They show very
18 little detail.

19 MR. DOSSLER: Inadequate.

20 JUDGE ALBERS: If you're going to speak out,
21 please state your name first.

22 MR. DOSSLER: Kelly Dossler (phonetic)

1 spelling), Sangamon-Morgan County landowners.

2 The maps I saw were not accurate to
3 any degree to tell where these transmission lines
4 were going. There were no roadways. There were no
5 landowners. It was extremely vague.

6 Before the hearing is over, I would
7 appreciate if somebody could accommodate these
8 landowners with more detailed maps. I'm particularly
9 concerned with Morgan County and Scott County.

10 MR. FITZHENRY: Your Honor, this is Ed
11 Fitzhenry for the company again.

12 We like to refer to the filing as the
13 Illinois Rivers Project but it's likely to be the
14 Illinois Lawyers Full Employment Act as well. I am
15 the point of contact for the company and for the
16 lawyers here in the room and on the call. My phone
17 number is (314) 554-3533. My e-mail address is
18 efitzhenry@ameren.com, and for the intervenors who do
19 not have counsel, I'm available to you to kind of
20 help you get through this process, answer any
21 questions you might have.

22 I'm the initial point of contact from

1 here on.

2 MS. RODGERS: Could you repeat that cell phone
3 number?

4 MR. FITZHENRY: (314) 554-3533.

5 MS. RODGERS: My name is Elizabeth Rogers
6 (R-o-d-g-e-r-s).

7 Could you please repeat your name so
8 we have that?

9 MR. FITZHENRY: Last name is Fitzhenry
10 (F-i-t-z-h-e-n-r-y). First name is Ed.

11 MS. RODGERS: Fitzhenry?

12 MR. FITZHENRY: That's correct.

13 MS. RODGERS: Thank you.

14 MR. GOWER: This is Ed Gower (G-o-w-e-r). I
15 just have a quick question.

16 Since we're going to be responding not
17 only to the Ameren's proposed schedule but also to
18 your suggested revisions to that schedule, when would
19 you like responses to the pending motion and your
20 suggestions filed?

21 JUDGE ALBERS: That's our next comment.

22 MR. GOWER: Great minds think alike.

1 JUDGE ALBERS: Well, we would suggest having
2 this Friday or Monday.

3 MR. FITZHENRY: A week.

4 MR. STURTEVANT: And then to file a reply.

5 MR. FITZHENRY: Three business days.

6 JUDGE ALBERS: For replies?

7 MR. STURTEVANT: For replies, yes.

8 JUDGE ALBERS: All right. It's been suggested
9 that staff and intervenors have until Monday, the
10 10th, to file a response to the motion, and Ameren
11 would file a reply to any of those responses by the
12 13th, and thereafter, Judge Yoder and I have issued a
13 ruling setting forth the case management order and a
14 schedule.

15 MR. FITZHENRY: Just, Your Honor, Ed Fitzhenry
16 again, and for parties who are not familiar with the
17 Commission, in order for the company to respond to
18 your filing, you need to file on e-Docket your
19 response to the motion and the case management order.

20 Just sending it to me doesn't serve as
21 an official filing of your pleading.

22 JUDGE ALBERS: Yes. That's a very good point.

1 Whenever anybody files anything that
2 they want to be part of this case, an official part
3 of this case, it needs to go to Judge Yoder and I as
4 well as all the parties on the service list.

5 The service list is available on
6 e-Docket under this case docket number. There's a
7 place you can highlight it. It just says service
8 list. Click on that. That will give you the name,
9 address and e-mail address of everyone on the service
10 list as of the date you click on it.

11 So whenever you officially file
12 something, send it to Judge Yoder and I. We are also
13 on the service list, but send it to everyone on the
14 service list and the Chief Clerk of the Commission.
15 Just use the address for the Commission here in
16 Springfield, and it cannot be e-mailed to the Chief
17 Clerk. The Chief Clerk will not accept e-mail as
18 service.

19 Now, the rest of us, speaking for
20 myself and Judge Yoder, we prefer that you e-mail it
21 to us. We don't want to get all kinds of paper and
22 envelopes on our desks every day. E-mail is great.

1 We prefer that, but in terms of the clerk's office,
2 do not try to file something electronically with
3 them. Don't try to fax it either. They will not
4 accept service by e-mail or fax. You need to
5 actually mail it or you can electronically file
6 something on e-Docket. That's not the same as
7 e-mail.

8 If anybody has any questions about
9 doing that, you talk to the clerk's office or talk to
10 somebody after this hearing today, but do not e-mail
11 or try to fax something to the clerk's office. It
12 will not be considered an official filing.

13 Any comment on that schedule for
14 responses and replies to Ameren's motion for
15 protective order?

16 MR. McNAMARA: It's not the protective order.

17 JUDGE ALBERS: I'm sorry. Thank you. The case
18 management order. I'm sorry. I misspoke. Thank
19 you.

20 All right. If there are none, then we
21 will receive responses to the motion for a case
22 management order and coordinate a schedule on

1 December 10th and replies on December 13th.

2 Any other questions or concerns about
3 anything today?

4 In the back, sir, please state your
5 name first.

6 MR. HARFST: Roger Harfst, 28435 East US
7 Highway 136, Forest City, Illinois 61532.

8 In order for me to stay abreast of
9 everything that is going on, I can find all this
10 information on your website, is that correct?

11 JUDGE ALBERS: That is correct. Any time
12 anyone files something with the clerk's
13 office...that's why it's important for you to submit
14 your official filings with the clerk's office... it
15 goes on the e-Docket system.

16 So if you look on there today, you're
17 going to see a dozen or so petitions to intervene.
18 You're going to see a copy of what Ameren initially
19 filed back in November. You're going to see Judge
20 Yoder and I's rulings that went out already.
21 Everything that is officially part of this docket
22 will show up on that e-Docket system.

1 MR. HARFST: Okay. Thank you.

2 JUDGE ALBERS: Thank you.

3 Anything else for the record today?

4 All right. Hearing none, I thank you
5 all for your patience, and we will continue this
6 matter generally pending the schedule that Judge
7 Yoder and I send out later.

8 JUDGE YODER: One thing before we go off the
9 record.

10 When we set the case management order,
11 that will have the next hearing date. That will only
12 be sent to parties who have intervened. It will not
13 be sent to everybody like on the notice list. So it
14 will be sent to parties who are of record in this
15 matter.

16 Now, you can look on e-Docket as Judge
17 Albers indicated and find when that case management
18 order goes out if you want to see what the next
19 hearing date is. You will not otherwise get notice
20 of it unless you file a petition to intervene.

21 Anything else?

22 JUDGE ALBERS: Actually, one last thought with

1 regard to the schedule.

2 I think to accommodate the Commission
3 schedule, the five commissioners, we'll probably
4 leave a little more time at the end to make sure they
5 have it and, in case somebody requests oral argument,
6 leave time for the Commission to rule on it and then
7 set a schedule for oral argument.

8 Oral argument is simply a time for the
9 parties, if they want to, to directly address the
10 commissioners in person, the attorneys and all the
11 intervenors to directly address the Commission in
12 person.

13 Now, the Commission has the discretion
14 to not grant oral argument if it's requested, but if
15 it's requested and the Commission grants it, we'll
16 build some time in to allow for that.

17 So thank you everyone.

18 With that, this matter is continued
19 generally.

20 (Whereupon the hearing was
21 continued generally.)
22